

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KANYON SAYERS-ROODS, POWER-OF-
ATTORNEY
FOR ANN-MARIE SAYERS OF THE
COSTANOAN
INDIANS OF INDIAN CANYON;

KANYON SAYERS-ROODS
(IN AN INDIVIDUAL CAPACITY)

Plaintiff(s)

-vs-

MARLENE RITA MACHADO

Defendant

C.A. No. 22-CV-03092

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S RESPONSE ON
FEDERAL JURISDICTION
FROM THE GOVERNMENT (D.I. 16-3)
PURSUANT TO FED. R. EVID. 406

AFFIDAVIT

I, KANYON SAYERS-ROODS, a member of the Chualar-Costanoan Tribal Band of Indian Canyon, California, residing in San Jose, in Santa Clara County, California, MAKE UNSWORN OATH AND SAY THAT:

1. I declare that my purpose of submitting this affidavit is to demonstrate the preponderance of of this civil action's parties' "habit or routine practice [which] may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice." Fed. R. Evid. 406. This would include a show per inference or direct evidence through supporting exhibits that at all times PLAINTIFF SAYERS-ROODS, POWER-OF-ATTORNEY FOR ANN MARIE SAYERS OF THE COSTANOAN INDIANS OF INDIAN CANYON, Ann-Marie Sayers, PLAINTIFF KANYON SAYERS-ROODS (in an individual capacity as an Indian tribal council leader), or the Costanoan-Chualar Indian Tribe of Indian Canyon, were at all times under written agreement with state, and federal government agencies, respective to business interests that take place or directly involve Indian Canyon (Indian reservation), wherein DEFENDANT MACHADO has illegally dwelled or resided since being asked to leave per Cease-And-Desist Notice [D.I. 16-1 at 1-2], on or about March 8, 2022.

2. I declare that DEFENDANT MACHADO's trespassing, accessing tribal properties, and (illegal) commandeering of my tribe's Indian country in general, has, is, and will continue to hinder or enjoin the respective government agencies, Costanoan-Chualar Indian Tribe of Indian Canyon ("Tribe"), and myself, the ability to duly participate or execute duties pursuant to the active contracts hereunto this affidavit as 'Supporting Exhibits' ['Exhibits' BB, CC, DD, EE] under control persons Ann-Marie Sayers and myself (e.g., Indian Canyon-related contracts by and between Tribe (State of California; U.S. Army; Federal Transit Administration; City of Santa Cruz; PG&E).
3. I declare that in or about June 2022, I have not been able to access the rural mailbox for Indian Canyon, or collect any incoming (postmarked) mail items sent to Indian Canyon, due to Defendant Machado refusing to produce the key, or incoming mail items that, she at no time, since on or about March 8, 2022, when the cease and desist notice was issued by Legal Affairs Office of the Costanoan-Chualar Indian Tribe of Indian Canyon, has had right to such activities or property.
4. I declare that on June 10, 2022, my tribal council's inhouse counsel (Peterson), tribal administrator (Heinz), and myself, executed Service of Process on DEFENDANT MACHADO at a building located at 1 Indian Canyon Road, whereby is the headquarters for my tribal community and tribal organization, and was/is the residence of my mother Ann-Marie Sayers, whose not been able to return her own home since April 23, 2022, primarily due to prior acts of violence, gross negligence, abuse, and other willful conduct caused by DEFENDANT MACHADO. Nonetheless, Indian Canyon, tribal properties of Indian Canyon, or the cabin home on 1 Indian Canyon Road (where DEFENDANT was it when the process server arrived), has not been a safe place tribal member/staff or visitors, or accessible by myself or persons holding an irrefutable prerogative to reside, access, gather, and hold tribal and business activities, my mother's Indian trust land that was allotted by Federal Government prior to inception of this civil action.

[CERTIFICATION.]

5. On this 10th day of June, 2022, I, Kanyon Sayers-Roods, a tribal member of the Indian Canyon Chualar Tribe of Costanoan-Ohlone People (*Chualar-Costanoan*), declare and submit the foregoing as true and correct, under penalty of perjury and in lieu of oath pursuant to 28 U.S.C. 1746.

s/ Kanyon Sayers-Roods

(Signature)

KANYON SAYERS-ROODS